



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 1007

BOSTON, MASSACHUSETTS 02108

(617) 727-8352

(800) 462-OCFF

MARY F. MCTIGUE  
DIRECTOR

April 9, 1990  
AO-90-14

Lawrence Curran  
Legislative Agent  
Boston Fire Fighters Local No. 718  
55 Hallet Street  
Boston, MA 02124

Dear Mr. Curran:

This letter is in response to your request for an advisory opinion.

You have stated that Boston Fire Fighters Local No. 718 of the International Association of Firefighters ("Local 718") is affiliated with the Professional Fire Fighters of Massachusetts ("PFFM"). Each of these associations has a multicandidate political committee organized pursuant to M.G.L. c.55 ("Local 718 PAC" and "PFFM PAC", respectively).

You have stated that Local 718 has never contributed in cooperation, consultation or concert with or at the suggestion of PFFM, nor has Local 718 ever made such a request of PFFM. You have further stated that Local 718 has no written policy relative to the procedures for making donations to candidates for public office.

You have described the process by which Local 718 makes contributions to candidates as follows: when Local 718 receives a request for a donation, it is reviewed by the Executive Board of Local 718 and recommendations are made in the form of a motion. At this point the matter is open to debate and then a vote of the Executive Board is taken. At the union meeting, which is usually held about two weeks following the Executive Board meeting, the actions of the Executive Board are reported to the general membership. Again, the recommendations are open to questions and debate and the membership votes to approve or disapprove the actions of the Executive Board. If the general membership approves the recommended donations, the checks are then issued to the candidates by Local 718.

Paul M. Lestage, the Secretary-Treasurer of PFFM, has stated that PFFM established the PFFM PAC by the enactment of a resolution at its biennial convention which over 900 delegates representing 165 local unions attended. At regular meetings (eight annually) of PFFM, a motion is

adopted to direct the PFFM PAC to purchase tickets for certain friendly and supportive legislators. A check is then transmitted to that candidate's committee.

Mr. Lestage has further stated that PFFM's contributions are made without any specific notification to its affiliated locals as to the amount of each donation to certain candidates. If such locals contribute to similar candidates through their own political committees, PFFM is unaware of such activities.

You have inquired as to the applicability of 970 C.M.R. 1.06(2)(c) to the activities of the respective political committees of Local 718 and PFFM.

Section 6 of M.G.L. c.55 states, in part:

A political committee not organized on behalf of an individual candidate . . . may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all such contributions for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any one calendar year the sum of one thousand dollars . . . For the purposes of the limitations established by this section, all campaign contributions made by political committees established, financed, maintained or controlled by any person, including any parent committee of a subsidiary committee or any person other than a natural person, shall be considered to have been made by a single political committee . . .

The regulations promulgated pursuant to section 6 of M.G.L. c.55 further provide:

Pursuant to and only for the purposes of the contribution limitations in M.G.L. c.55, section 6, contributions shall be presumed to be made by one political committee if made by political committees established, financed, maintained or controlled by . . . an organization of national or international unions and/or any of its state and/or local central bodies . . . a single national or international union and/or any of its local unions and/or other subordinate organizations . . . (970 C.M.R. 1.06(2)(c)).

The presumptions contained in 970 C.M.R. 1.06(2)(c) may be rebutted if credible evidence is presented by the political committees in question that they have not made contributions in cooperation, consultation or concert with, or at the request or suggestion of each other or any person who has established, financed, maintained or controlled such committees. 970 C.M.R. 1.06(2)(d).

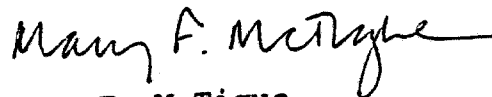
This office is of the opinion, based on the assertions made by you and Mr. Lestage, that the contributions made by Local 718 PAC and the PFFM PAC should not be aggregated for the purposes of the limitations of section 6 of M.G.L. c.55.

For future reference, please note that the presumptions contained in 970 C.M.R. 1.06(2)(c) may be rebutted by signing, if applicable, the affidavit which appears at the bottom of Form CPF 102PC (Campaign Finance Report), filed by multicandidate committees with this office.

This opinion is based solely on the representations made by you and Mr. Lestage, and is issued solely in the context of M.G.L. c.55.

Should you have additional questions, please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue  
Director

MFM/wp